

**Federal Defenders  
OF NEW YORK, INC.**

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David E. Patton  
Executive Director and  
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Eastern District  
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Attorney-in-Charge

February 19, 2012

**By Hand & ECF**

Judge Sterling Johnson Jr.  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: U.S.A. v. Marat Mikhaylich 11-CR-311 (SJ)

Your Honor:

Mr. Mikhaylich pleaded guilty before Magistrate Judge Robert M. Levy on October 13, 2011 to Counts One through Nine of the indictment, charging him with Bank Robbery in violation of U.S.C. §2113(a), as well as Count Seventeen of the Indictment, charging him with Brandishing and Carrying a Firearm, in violation of 21 U.S.C. §924(c).

As determined by the Probation Department, the total offense level for Counts One through Nine is 30 resulting in a Guideline range of imprisonment of 97 to 121 months in Criminal History Category I. (PSR ¶194.) Count Seventeen carries a mandatory minimum sentence of 7 years to run consecutively to any term of imprisonment imposed on Counts One through nine. (PSR ¶194.) Thus the effective Guideline range is 181 to 205 months.

I write to request that the Court impose a non-guidelines sentence.

We ask the Court to consider the factors in 18 U.S.C. § 3553 to arrive at a fair and reasonable sentence. Section 3553(a) requires a sentence that is, "sufficient, but not greater than necessary" to satisfy specific sentencing goals, including just punishment, deterrence of future criminal conduct, correctional treatment, and the prevention of unwarranted sentencing disparities. See 18 U.S.C. § 3553(a)(2). Section 3553(a) further directs courts to consider the applicable Sentencing Guidelines, "the nature and circumstances of the offense," and "the history and characteristics" of the defendant. See 18 U.S.C. § 3553(a)(1), (3)-(4) "[N]o limitation shall be placed on the information concerning the background, character and conduct of a person convicted of an offense which a court . . . may receive and consider for the purpose of imposing an appropriate

sentence." 18 U.S.C. § 3661.

We respectfully submit that the instant offenses are not indicative of Mr. Mikhaylich's true character, but, reflect the destructive effects of his more than decade long, struggle with heroin addiction. While the nature of the offenses might preclude a downward departure for aberrant behavior under the Guidelines, we respectfully submit that a non-Guidelines sentence is warranted. (See U.S.S.G. §5K2.20.)

The Supreme Court's decisions in Kimbrough v. United States, 552 U.S. 38(2007) and in Gall v. United States, 552 U.S. 38(2007), make clear that this Court has full authority to consider any evidence it wants in deciding whether or not the guidelines "properly reflect § 3553 considerations[.]" Rita v. United States, 127 S. Ct. 2456, 2468 (2007). Thus, the sentencing court is also free to sentence a defendant below the applicable Guidelines based on a disagreement with the Guidelines policy of limiting aberrant behavior departures to single occurrences of criminal conduct. (See U.S.S.G. §5K2.20(b).) In the instant matter, the defendant's criminal conduct marks a stark departure from the character of this 35 year-old man as described by his family and friends, and as indicated by his lack of criminal history.

Marat Mikhaylich was born in Kiev, Ukraine in 1975 in what was then the Soviet Union. Life in the Soviet Union was difficult for Mr. Mikhaylich. As a jewish family, the Mikhaylich's had to contend with anti-Semitism and religious persecution, as well as the harsh economic conditions of Soviet life. Although Mr. Mikhaylich is extremely close to his family, growing up his home life was not without conflict. Mr. Mikhaylich recounts that his father suffered from alcoholism. The elder Mr. Mikhaylich was verbally abusive, and occasionally, physically abusive to Mr. Mikhaylich's mother. Mr. Mikhaylich's mother died of cancer in 2005.

Mr. Mikhaylich emigrated to the United States with his parents when he was 14 years-old. As a teenager growing up in Los Angeles, Mr. Mikhaylich seemed to thrive. His father remarked that as a student at Fairfax highschool, Marat had good grades, many friends, and played on the basketball team. (See, Letter of Gennady Mikhaylich, attached hereto as Exhibit A.) Vlad Teplitskiy, a friend from highschool, described the close bond that developed between the two while navigating the difficulties of teenage life in America as recent Soviet immigrants. (See, Letter of Vlad Teplitskiy, attached hereto as Exhibit B.) Mr. Teplitskiy, now an attorney, describes the Marat he knew as intelligent and calm. (Id.) Dr. Dmitry Tubis, another friend from highschool, related that Mr. Mikhaylich was a generous and kind friend. See, Letter of Dmitry Tubis, attached hereto as Exhibit C.) Friends who first met Mr. Mikhaylich as co-workers also

remember his loyalty, warmth, and generosity. (See Letters of Former Co-Workers, attached hereto as Exhibit D.)

Mr. Mikhaylich is extremely remorseful for his actions. As he described in his letter to the Court, the past 11 months of incarceration mark the longest stretch of sobriety since his early 20's. (See Letter of Marat Mikhaylich, attached hereto as Exhibit E.) With his sobriety, has come insight concerning what lead him to commit these extremely serious offenses, and the lasting effects his crimes have had on his victims, family and friends. Perhaps, most importantly, Mr. Mikhaylich recognizes that, while he knew he would never physically harm any one during the robberies, the victims of his crimes had know way of knowing that. It pains Mr. Mikhaylich to think that the victims of his crimes may suffer lasting, psychological harm as a result of his actions.

Mr. Mikhaylich's crimes have left his family and friends stunned and bewildered as they try to reconcile the man they knew, with the person who committed a string of gun-point bank robberies. It is unimaginable to them that the kind, generous, and intelligent man they knew, could have committed such serious and terrifying crimes. While his friends and family knew a hard working, dedicated family man, they were unaware of his private struggle with drug addiction. For years Mr. Mikhaylich lead a double life. He was a doting grandson, translating documents for his grandparents and driving them to medical appointments,<sup>1</sup> a loyal friend and co-worker, while all the time struggling with drug addiction.

Mr. Mikhaylich's crimes and addiction have resulted in great personal loss. He has had to face the reality that he may never see his grandparents again. His father, who is suffering from bi-polar disorder and a number of other medical ailments, has yet to come terms with how his son's crimes. But, perhaps, the most devastating loss is that Mr. Mikhaylich's girlfriend, Victoria Kotlyar, the mother of his daughter, has severed all ties with him. In addition to forbidding Mr. Mikhaylich to have any contact his daughter, Ms. Kotlyar has refused to provide him photographs, or updates regarding his daughter's life. While this is heartbreaking for Mr. Mikhaylich, what makes it more painful is that he knows he, alone, is responsible for this estrangement. Now that Mr. Mikhaylich is sober, he has obtained clarity about his life and future. His goal is to finish his education and become a drug counselor, so that he may help others overcome the disastrous consequences of addiction. But more than anything, Mr. Mikhaylich hopes to devote himself to earning the trust and respect his family, friends and community and to prove that he is

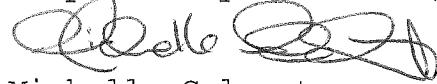
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<sup>1</sup> See Letter of Katya Kosarenko, former girlfriend, attached hereto as Exhibit F .

worthy of being a parent to his daughter.

We respectfully submit that the purposes of sentencing and the interests of the community would best be served by imposing a sentence below the recommended guidelines.

Respectfully Submitted,



Michelle Gelernt  
Staff Attorney  
(718) 330-1204

cc: Clerk of the Court via ECF  
AUSA Darren LaVerne  
USPO Cheryl M. Fiorillo  
Marat Mikhaylich

# EXHIBIT A

*Michelle GELERT*

Gennady Mikhaylich

1833 Fairburn Ave #103

Los Angeles Ca 90025

e-mail: [gena1950@yahoo.com](mailto:gena1950@yahoo.com)

(323)252-5023

Honorable Sterling Johnson, Jr.

United State District of New York

United State Courthouse

225 Cadman Plaza East

Brooklyn, NY 11201

RE: U.S.A. v. Marat Mikhaylich (11-cr-311)

Dear Judge Johnson,

I'm writing in connection with Marat Mikhaylich's sentencing in the above referenced case.

My name is Gennady Mikhaylich and I'm a father of Marat. Me, my wife and Marat immigrated to United States from Ukraine Soviet Republic. It was big challenge for my family to assimilating in the USA. Me and my wife woked hard at day time and went to school after work to learn English. Our son

went to Fairfax High School and started to study. He was good student he got good grades and was involved in team sport activities and had a lot of friends from his class and basketball team. I always support his ability to study and his love to reading. Unfortunately now I'm sick and permanently disable and I cannot work anymore.

After graduating High School Marat enrolled at Santa Monica Community College. I know him as nice and intelligent person who spent a lot of time to read books of history of the United States. After college he got work at car dealership as sales person and many years was very succesfull in his cariere . When Marat's mother unexpectedly passed away he faithfully cared for his grandparents. In this time he was very calm and diprested . In April 2100 he disappear without any explanations and I did not now his

whereabouts. After receiving a call from FBI agent about Marat's bank's robberies I was shocked and did not believe that he was the suspect. I do not know what caused Marat to go down this way. Those actions are simply not those of my son. Pleading guilty and accepting responsibility is my son's character. Marat has a toddler daughter he has never seen, and would like nothing more than help her grow up. I respectfully ask for your leniency in sentencing my son. I continue to believe what happened.

Sincerely  Gennady Mikhaylich.

# EXHIBIT B

Vlad Teplitskiy  
1140 Scholarship  
Irvine, CA 92612  
(310) 994-7371  
vlad.teplitskiy@gmail.com

January 21, 2012

Honorable Sterling Johnson, Jr.  
United States District Judge  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

RE: U.S.A. v. Marat Mikhaylich (11-cr-311)

Dear Judge Johnson,

I am writing in connection with Marat Mikhaylich's sentencing in the above referenced case. My name is Vlad Teplitskiy, and I have been Marat's friend for over twenty years. Like Marat, I immigrated to the United States from Ukraine as a teenager. Marat and I attended the same high school and junior college in Los Angeles. I transferred to University California at Los Angeles and received an undergraduate degree in Computer Engineering and a graduate degree in Electrical Engineering. After working as an engineer for two medical device companies that develop and manufacture implantable devices which help to save and improve patient's lives, I returned to school to pursue a law degree. Three years ago, I graduated from Hastings College of Law in San Francisco and started practicing patent law. Presently, I am a patent attorney at a well-respected intellectual property boutique firm in Orange County, California.

Marat and I started to develop a close friendship during our senior year in high school. Those times were difficult for both of us (and others like us). Immigrating from a communist country and assimilating in an American high school was not easy. We had to work hard to overcome cultural and language barriers. Our shared passion for basketball helped Marat and I to fit in faster. Being well over six feet tall, Marat towered over the other kids. However, he was almost comically skinny, which virtually negated his height advantage. Still, he practiced relentlessly, bulked up, and soon developed an array of nearly unstoppable moves. To this day, I recall his beautiful baseline fall-away turnaround jumper from behind the backboard. It reminds me of Hakeem Olajuwon's famous "dream shake," which helped Houston Rockets win two NBA championships.

After graduating from high school, Marat, I, and a few other high school friends enrolled at Santa Monica Community College in Los Angeles. During these two years, Marat and I became very close. Our friendship developed effortlessly at least in part due to Marat's charisma, intelligence, and calmness. We even tried to synchronize our schedules so that Marat

would drive me to school (I did not yet have a car). I concentrated my studies on math and physics, while Marat pursued history and psychology. Marat spent a lot of his free time reading books. He frequently shared his favorite story lines and drew upon the insight he acquired from reading to give shrewd advice.

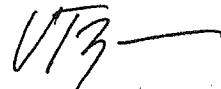
We continued to stay close after college. Even as years passed and responsibilities and demands increased, Marat and I always found time to talk and meet. When Marat's mother unexpectedly passed away in October, 2006, I flew from San Francisco to attend the funeral. At that time, I was beginning my second month of law school, and I could only spend a day in Los Angeles. When Marat called me with the news of his mother's death, I told him that I would immediately make arrangements to attend the funeral. He said that I should instead concentrate on my schoolwork. I replied that being present at the funeral was much more important than missing a few classes. After his mother's sudden death, Marat faithfully cared for his grandparents on his mother's side.

I followed the news of bank robberies with utter shock. At first, I did not believe that Marat was the suspect, only accepting this as true after seeing FBI-released photos of bank security cameras showing Marat's face. I do not know what caused Marat to go down this path. Those actions are simply not those of a friend that I know. Pleading guilty and accepting responsibility, however, is befitting of my friend's character.

I respectfully ask for your leniency in sentencing Marat. He can do so much good for the society if he is only given a chance to apply his charisma, intelligence, and determination. Marat has a toddler daughter, and I know that he would like nothing more than to participate in her life and help her grow up. To this day, Marat's father and grandparents continue to be in disbelief about what has happened, and they would like to see Marat as a free man.

Please contact me with any questions.

Sincerely,



Vlad Teplitskiy

# EXHIBIT C

Dr Dmitry Tubis  
1710 W Cameron Ave #100  
West Covina CA 91790  
(310)746-6531

February 7, 2012

Honorable Sterling Johnson, Jr.  
United States District Judge  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

Dear Honorable Judge Sterling Johnson, Jr.,

I am writing this letter in regards with sentencing of Marat Mikhaylich. My name is Dmitry Tubis. I first met Marat in High School and has been his friend ever since. I went to University of Southern California for Bachelor degree in Biology as well as Doctorate degree of Dental Surgery. I have been a Practicing dentist for almost 10 years. Last five years I head large multispecialty dental practice that takes care of United Food and Commercial workers.

I am a friend of Marat for twenty years. Over the years I spent our birthdays, Christmas , Thanks giving together as well as other social events. He is a decent human being. When it comes to his friends Marat does not have word no in his vocabulary. He is a kind of guy that would give his last dollar to his friends in need. He has helped me many times whether with a good advice or simply being there in a difficult moment in my life when my grandmother passed away. Some years ago I remember I was locked out of my friend's house and ended up on the street at 2am. I did not have my car and was Calling cabs for an hour but they were not coming. I was stranded outside for about an hour. After which I started calling my friends for help. The first person to respond was Marat even though he was an hour away . He came and drove me and my wife home. He never made a big deal out of it or asked anything in return. Marat always cares about others. He always asks how my wife and kids are doing, and when visiting would always bring my kids gifts. Marat is very generous human being. Prior to his incarceration he was selling cars and he leased and sold multiple cars to me and my many family members. He was always very knowledgeable and very professional and always looked out for our best interests in every deal. In multiple occasions he refused to get commissions from the sales to help me out in the moment when I really needed it. He also helped out our friend who was a student at the time and had no financial help. Marat arranged an incredible lease situation for her that made it possible for her to finish school and be able to have transportation.

When I heard that he was robbing Banks I was in a state of shock. I knew that something is making him do that. When I learned that he was severely addicted to heroin it all made sense. What he did was wrong and there is no denying it. Moreover, there is absolutely no excuse for what he has done but at least he manned up and took full responsibility for his crimes by pleading guilty.

Your honor, all I ask for you is to be lenient in your sentencing of him because I believe if given a second chance he will have an opportunity to straighten out his life. I know while in jail he will study and advance his knowledge and perhaps get a degree. Marat has a daughter that he would like to see one day please give him that chance.

Sincerely yours,

Dr Dmitry Tubis

# EXHIBIT D

The Honorable Judge Sterling Johnson, Jr.  
United States District Judge  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Dear Judge Johnson,

My name is Conor S. Reogle and I am a close friend and former business associate of Marat Mikhaylich. I am originally from the Big Island of Hawai'i. I moved to the Los Angeles area in 2001 when my wife started her Masters in Social Work program at the University of Southern California. I lived and worked in the greater Los Angeles area up until December of 2011 when I moved to Dallas, Texas for a job opportunity. I attend Church services regularly and am an avid outdoorsman, enjoying camping & fishing. I currently work as a finance representative for Vandergriff Toyota in Arlington, Texas. I thank you in advance for this opportunity to tell you about Marat as the person I have known for many years.

I first met Marat in 2003 when I was hired as a sales associate with Miller Infiniti in Van Nuys, California. Marat had already been working there and I joined his sales team. My first impression of Marat was that he seemed approachable, mild-mannered, and easy going. These proved to be lasting impressions and as I got to know Marat, I found him to be witty, intelligent, and a loyal friend.

Marat was focused and highly motivated at work. We both worked long hours, often working twelve hour days, six days a week. I saw first-hand, his work ethic, diligence, & most importantly to me, his trust-worthiness. In a business such as car sales, that rewards high productivity and can look the other way when shrewd business tactics are used, Marat always stayed true to his morals. He never stole customers from other sales representatives and I have never known him to engage in backstabbing or undermining activities. He was also able to keep calm when management became verbally aggressive and was able to turn his energies towards increasing sales. I've never seen him argue with management or be insubordinate, demonstrating respect for authority. Marat was a team player, someone I could rely on for help or coverage without having to worry about losing clients or commissions. In my eleven years in the car sales business, Marat is one of the very few individuals whom I can trust whole heartedly and this is a quality I hold in high regard.

In spending so much time together at work, Marat and I got to know one another quite well and despite coming from very different cultural backgrounds, we found many commonalities. I was impressed by his devotion to his family, something that was instilled in me by my own family. He often helped care for his elderly grandfather, bringing him to numerous medical appointments and visiting daily when he was hospitalized. He would assist with grocery shopping and running errands for his parents. Marat always spoke well of his parents. He was devastated when his mother passed away and I know how emotionally difficult this loss has been for him. After

being arrested, Marat continued to uphold his mother's memory and asked that I place a pebble on her grave, a culturally significant tradition of honoring the memory of a loved one.

Over the years, Marat and I have worked for different car dealerships and periodically worked together when our professional paths crossed. We always kept in touch and I consider him to be one of my closest friends in Los Angeles. We would sometimes grab lunch or a drink after work. We would go fishing or even just hang out in his back yard doing yard work. He would come by my place often to play video games or watch boxing or UFC tournaments. He was always polite and respectful in my home. Marat was well liked by my family and got along well with my friends. Being from Hawai'i and being so far from home, I thought of Marat like family.

Since being arrested, Marat has kept in touch via letters, email, and phone. He is limited in what he is allowed to share of the time since he left Los Angeles on the advice of his lawyer. My knowledge of the situation is based on what I have seen in the media as well as what Marat has told me he has been charged with and plead guilty to. In our conversations, Marat has expressed deep remorse for his actions. He is very sorry for hurting his family and his friends. He recognizes the disappointment and pain he caused to those who cared about him and were closest to him. Not to take away from the seriousness of his charges, but addiction can lead people down a slippery slope, down a path that is very difficult to straighten out. Per media reports, Marat did not physically hurt anyone and surrendered peacefully. I found myself feeling thankful that he was apprehended so that he could receive the help he seemed to be crying out for. I ask for leniency in his sentencing so that he will be able to rebuild his life, return to being a productive member of society, return to his family & social support network, and be able to be an active part of his 18 month old daughter's life.

Sincerely,

Conor S. Replogle

FW: re Marat Mikaylich

Andrei Kokhno

to:

Michelle\_Gelernt@fd.org

02/15/2012 03:46 PM

Cc:

"joseph\_meyers@fd.org"

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**From:** Andrei Kokhno

**Sent:** Sunday, January 22, 2012 3:06 PM

**To:** Michelle\_Gelernt@fd.org

**Subject:** re Marat Mikaylich

My name is Andrei Kokhno, immigrant from Leningrad, former Soviet Union. I am writing you today on behalf of my friend, Marat Mikaylich to tell about his personality and who he is as I knew him.

As many newcomers to US, I have worked my way up the ladder to support my family and I am very blessed to be here. I have found new home in United States of America and I am proud to be part of this great nation. I am an Internet Sales Consultant at one of the largest Automotive Groups in Los Angeles area for the last 6 years and I have worked for automotive industry for the last 12 years.

When I first meet Marat at La Brea Chevy (12 years ago), when I started in the car business, I liked him right away. He took his time to show me around, tell me about processes what I should and shouldn't do and how to succeed in the automotive industry. He has shared with me right away his follow up system he has developed (it was way before PC at every Desk) to be more efficient. His cubical was very personal and warm, with Russian artifacts and pictures of his family that I have learned later he was very close to. During my short work at La Brea Chevy I got to know Marat as a good person; an "open soul" as we say it in Russia. He would never say no if he could help in any way, always smiled and upbeat.

After 4 short months, I have left auto business to peruse an education in medical field; it did not work out for me as all part time jobs could not support my family. When I told Marat that I will be forced to seek a full time employment again and quit my school, he was trying to talk me out of it, told me about importance of education and offered me a part time, weekend auto sales that he was doing past his normal dealerships hours to help me out with the bills. I took his offer and start working with Marat over the weekends. Once we stayed over night at the hotel and when I walked to the room I saw Marat was reading...after 12 hours of standing outside in the desert sun, helping clients with their needs...he was reading Russian Classic Poetry. I was shocked, not because he was reading, but because of what. It is hard these days to see someone read these days, not to mention classically written poetry. I have learned something else about Marat, he was well read and educated, going to synagogue and involved with his family a lot. My birthday is on the same day as his grandfather and for so many years I have invited him to my birthday parties he always refused because he was with his family and as he was saying: "my family is most important thing on this Earth..."

Going forward, after a while I was back on the market for the full time job, and I am receiving a call from Marat who have found a job at Miller Infiniti where he was working for a several month already. He set me up with the appointment and got me a job! Working together, meeting his family and girlfriend I got to know Marat even better. He was a true friend and helped me personally and others in the time of need. He cared about his family a lot, always was running tasks for his Mother and helped his father with his business. I know for sure that when his mother died he was devastated and all of us could see it. Never the less he has never lost his personal and professional direction. At one point, working at Miller Infiniti, he shared his discovery that management of that

company was stealing/misdisplaying our wages. He was very vocal about it with the management and we got our pay back! Over 200 underpaid workers were great full to Marat and his efforts.

After we both stopped working at Miller Infiniti I have joined Rusnak Auto group and Marat, always a self starter tried several automotive groups and after trial and errors he became an independent auto broker. Because of his hard work and dedication he was successful in his very competitive field.

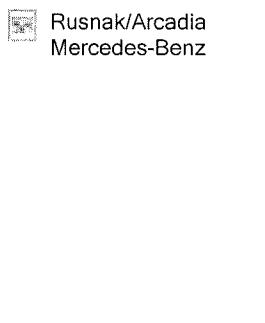
Last time I saw Marat was at his house worming party that he moved in with his long time girlfriend. My wife and I were super happy for him settling down and starting his own family. There were a lot of people, his high school friends, ex co workers and friends like me...and all of them shared the same happiness for Marat!

When news broke, Marat's disappearance from his girlfriend, huge amount of calls from people who new Marat, asking if I know anything about his about. I was clueless...and then shocking discovery of him in New York, his arrest and drug use... Every one was beyond being horrified and in disbelief about the truth...No one could imagine that Marat is doing drugs and robbing Banks! No one ever remembered him doing anything but occasional beer drinking. What triggered this crazy transformation? I have spend hours talking to my family and every one who new Marat, no answer. Something very bad took a place to turn his life up side down...

I am talking to Marat all the time over the email and he is always asking about his newly born girl and family. He feels ashamed and very sorry how it turned around and what affect it will take on everyone in his family, especially his daughter that will be growing without a father...

When I asked him about his sentence he told me that he has deserve it and he will be studding to become a drug consular to help others not to ruin their life and life's of their loved ones...

I know what Marat has done is wrong. I am asking to be merciful with your sentence, God bless



**Andrei Kokhno**  
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The Honorable Judge Sterling Johnson, Jr.  
United States District Judge  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Dear Judge Johnson,

My name is Andrey Korneev and I met Marat Mikhaylich while working at Miller Infinity in Van Nuys, California. I am originally from Russia, but moved to the Los Angeles area 10 years ago. It was really devastating to hear, through mutual friends, that Marat had been in such trouble. It was certainly unexpected to find out what happened to him. While I was working with him, he was a fair and honest man. When I was hired at Miller Infinity Marat was already working there. He was the only one who actually took the time to show me around and teach me a few things. Also through the next two and a half years of us working together it was a real pleasure to learn and apply his work ethics and respect for other people. He had a reputation of the most hard working man, being a good employee and loving his family. Marat and I have a few mutual friends who really don't understand how something like this could have happened to him. We all pray for him and his family and hope that God will help him. We also pray that you will see him as a person who got into trouble under stressful circumstances and that his actions are far from his character.

I sincerely hope that you read my letter and understand where I am coming from as his friend and coworker.

Thank you for your time.

Sincerely,

Andrey Korneev

# **EXHIBIT E**

TRULINCS 65528053 - MIKHAYLICH, MARAT GENNADY - Unit: BRO-C-A

---

FROM: 65528053  
TO:  
SUBJECT: Letter  
DATE: 12/29/2011 05:31:01 PM

Dear Judge Johnson,

Never in my life did I think that I'd be writing to US District Judge from inside federal jail. Yet without a shadow of a doubt being here is the best thing that could have happened to me. First and foremost I have been drug free for over nine months, which is the longest I've been clean since my early 20's. It also gave me a chance to understand why I started using drugs in the first place, why I continued, and why it eventually landed me in jail.

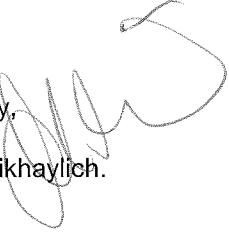
It is crystal clear to me now that all my problems stemmed from the drug abuse. That's the reason why I got in debt, left Los Angeles, ended up in New York, and lost everything I held dear to my heart. Soon after my arrival to New York I was broke and needed money to support my drug habit which by that time was completely out of control. It may be hard to understand how I turned to armed robberies even though I never done anything even remotely close to this. But I was so desperate I did not know where to turn or what to do. It just seemed to me that only at the bank I would be able to get amount of money I needed to support my drug addiction and get away without hurting anyone.

I understand that using drugs does not excuse me from responsibility for my actions. I am extremely remorseful and very sorry for what I did. I am especially sorry to the tellers and to the driver who had suffered because of me. I absolutely had no intent whatsoever to hurt any of them. I realize that they did not know that and hope that they have not suffered any permanent psychological trauma from the ordeal. Unfortunately from reading my PSR I've learned that one of the tellers had missed 17 days of work and another was not able to return to work at all. Again I am very sorry and hope they fully recovered and others done as well.

Also my actions completely devastated my family. All this was huge shock to them. It affected my dad both mentally and physically. My grandparents don't even know that I'm in jail or that I've committed bank robberies. Luckily they don't speak any English or it surely would kill them on the spot if they would ever find out from the media. My relationship with my girlfriend, my daughter's mother, is ruined forever. Damage I did to her life and future is unreparable. My daughter, Abigail, will have to grow up without her father being there. However, I have no one to blame but myself. I just hope that I'll get out in time to protect her from making same wrong choices that led me to drug use and landed me in jail.

I wish I could live my life over again or at least find a way to undo my crimes. That's of course is impossible. But what I can do right now is to use this time and this experience to make myself a better person and prepare myself to deal with life's problems in responsible and sober way. I'm going to use and attend any programs that are available to me in prison till I finally have tools to do just that. I also have decided to get Bachelor Degree in Psychology and become a drug counselor so I can help others when I'll get out one day.

I fully comprehend that I have to be punished. After all my crimes are morally and legally wrong by standards of any civilized society. But I plead with you to take into consideration that I am a totally different person when I am on or off drugs. Everyone in their life need someone to believe in them and give them a second chance. You are in the position to do that for me. More then ever I need someone to believe that I can change, already have changed, and will keep changing for the better.

Sincerely,  
  
Marat Mikhaylich.

# **EXHIBIT F**

January 11, 2012

Katya Kosarenko  
3942 South Sepulveda Blvd., Apt. G  
Culver City, CA 90230

My name is Katya Kosarenko and I am writing this letter on behalf of Marat Mikhaylich, who has pled guilty to a crime. I have known Marat since 1996 and was in a committed relationship with him from 1997 till 2001. After our break up, we continued to be friends. As a result, I was able to get to know Marat well. I consider him to be a generous and kind person, who cares deeply about his loved ones and his friends. For example, Marat was taking care of his grandparents, helping them with translating their mail and documents, and assisting them with important appointments among many other things. Marat was always there for his friends, available to help them in any way possible. I also remember when my grandmother passed away in 1998, he came to see me every evening in the course of 2-3 weeks to support me in my grief. Marat was very caring and protective of his parents. His mother Larisa did not drive, so Marat regularly drove her to/from work and for other purposes. In 2006, Larisa passed away from skin cancer, which was a tremendous loss for Marat. With that being said, I believe that Marat's negative behavior deprives from many inner struggles and depression. They, in turn, led him to addictive life style, which he has struggled with for many years. Briefly, I am originally from Russia. I came here to study and, as a result, obtained Bachelors in Psychology and Masters degree in Social Work. I am a Licensed Clinical Social Worker, and has worked in social service field since 1998, working with different population from elderly, developmentally delayed young adults and to patients with kidney failure. I am also an active member of Buddhist lay organization.

Please do not hesitate to contact me if you have any questions/comments regarding this matter. Thank you very much for your attention.

Sincerely,

Katya Kosarenko